

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BADEN SPORTS, INC.,

Plaintiff,

v.

KABUSHIKI KAISHA MOLTEN (DBA
MOLTEN CORPORATION) AND MOLTEN
U.S.A. INC.,

Defendants.

No. C06-210MJP

ORDER DENYING MOTION FOR
LEAVE TO FILE SUPPLEMENTAL
MOTION TO EXCLUDE AND
DENYING WITHOUT PREJUDICE
MOTION TO EXCLUDE

This matter comes before the Court on Plaintiff Baden's motion for leave to file a supplemental motion to exclude (Dkt. No. 258) and motion to exclude Takenobu Matsumoto and exhibits A-148 and A-150 (Dkt. No. 258-3). Plaintiff argues that this witness and these exhibits were first disclosed on July 25, 2007, well past the date for disclosure of witnesses and exhibits. These motions are noted on the Court's motions calendar for consideration on the first day of trial, August 6, 2007.

The Court denies the motion for leave to file a supplemental motion. And the Court denies without prejudice the motion to exclude. If Molten attempts to present Ms. Matsumoto's testimony, or either of these exhibits at trial, Baden may object on grounds of late disclosure and the Court will rule on Baden's objection at that time.

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1 Given these rulings, neither party shall file a response or reply regarding these motions.

2 The clerk is directed to send copies of this order to all counsel of record.

3 Dated: August 2nd, 2007.

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5 Marsha J. Pechman
6 United States District Judge